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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

DAVID STEBBINS,

PLAINTIFF

VS.

Case 3:23-cv-00322-TLT

GOOGLE, LLC

DEFENDANTS

SECOND STATEMENT OF RECENT DECISION

Comes now, *pro se* Plaintiff David Stebbins, who hereby submits the following Statement of Recent Decision in connection with Dkt. 31, the defendant's Motion to Dismiss.

1. In their Motion to Dismiss, the Defense insists that my cases in this District have been found frivolous before. See Dkt. 31, p. 21, lines 18-19 (stating that “The recently-dismissed Polano and Rebolo cases are just the latest examples” of this frivolousness).
2. However, the District Judge in the Polano case has recently issued a statement that explicitly contradicts the Defendant's claims here: That my case *wasn't* frivolous all along! See Case 4:21-cv-04184-JSW, Dkt. 194, lines 19-20 (“Although the Court dismissed each of Plaintiff’s claims, the Court cannot conclude that the appeal is frivolous”). A copy of this order is hereby attached as **Exhibit A**.
3. This stands in direct contrast, not only to the Defendant's assertions, but to *that same judge's own previous assertions*. When issuing the order that I am now appealing, Judge Jeffrey White said “Plaintiff is warned that if he persists in filing frivolous or meritless lawsuits, the Court may impose sanctions.” See Case 4:21-cv-04184-JSW, Dkt. 158, p. 8, lines 5-7.
4. But now, he admits that the case isn't really frivolous after all. In other words, his finding that the case was frivolous initially was based on anger in the spur of the moment, not sound judgment.
5. This is further evidenced by what I stated in my first Statement of Recent Decision (Dkt. 42), where Judge White partially reopened the Rebolo case for me because he admits he acted rashly and out of anger the first time.

6. These two statements by Judge White – filed after the anger of the moment has cooled off – confirms that the Defendant's claim of frivolousness is most likely false. They claim it is frivolous *solely* because they (Google LLC) are the defendants, and absolutely nothing else.

7. Therefore, this Court should reject the Defendant's assertions that *this* lawsuit is continuing a similar pattern of frivolous filings, because by Judge White's own admission, there really is no pattern after all.

So notified on this, the 23rd day of June, 2023.

/s/ David Stebbins
David Stebbins (pro se)